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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,343	05/20/2002	Takao Yoshimine	450101-03178	8796
20999	7590	03/10/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			CHEA, PHILIP J	
			ART UNIT	PAPER NUMBER
			2153	
DATE MAILED: 03/10/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/019,343

Applicant(s)

YOSHIMINE, TAKAO

Examiner

Philip J Chea

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/21/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Claims 1-7 have been examined.

#### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 4/27/2000. It is noted, however, that applicant has not filed a certified copy of the 2000-126851 application as required by 35 U.S.C. 119(b).

#### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 12/21/01 was filed after the mailing date on 12/21/01. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 1 recites the limitation "the other data-processing apparatus" in line 10. There is insufficient antecedent basis for this limitation in the claim. It is unclear which data-processing apparatus

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is being referred to. Examiner assumes "the other data-processing apparatus" refers to "the another data-processing apparatus" mentioned in line 10.

6. Claims 2-5 are rejected by virtue of being dependent on a rejected claim.

7. Claim 6 recites the limitation "the other data-processing apparatus" in line 8. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 7 recites the limitation "the other data-processing apparatus" in line 10. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1,3,4,6,7 are rejected under 35 U.S.C. 102(b) as being anticipated by Kurihara (JP 9-214935).

As per claims 1,6,7, Kurihara discloses a data-providing system having a recording area corresponding to a data-processing apparatus and designed to supply the data recorded in the recording area to the data-processing apparatus, said data-providing apparatus comprising:

- control means for controlling the recording of the data transmitted from the data-processing apparatus, into the recording area (see paragraphs [0026] and [0027], where the data-processing apparatus is considered broadcasting from a satellite or cable TV);
- determining means for determining whether the data should be supplied to another data-processing apparatus in response to a demand made by the data-processing apparatus (see paragraphs [0089] and [0090], where determining means is considered access control, and demand is the setting of ); and

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- data-supplying means for supplying the data to the other data-processing apparatus in response to the demand made by the other data-processing apparatus when the determining means determines that the data should be supplied to the other data-processing apparatus (see paragraph [0090], where delivery is made to a terminal if the terminal is allowed to view the material).

As per claim 3, Kurihara further discloses that determining means further determines whether data should be paid for its use, when the data is supplied to the other data-processing apparatus (see paragraph [0025], where determining whether data should be paid for its use is considered the charging price for the data supplied to the terminal).

As per claim 4, Kurihara further disclose determining the fee for the data when the data is supplied to the other data-processing apparatus (see paragraph [0025]).

#### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kurihara as applied to claim 1 above, and further in view of Rangan et al. (US 6,154,771).

Although the system disclosed by Kurihara shows substantial features of the claimed invention (discussed above), it fails to disclose a thumbnail-generating means for generating a thumbnail corresponding to data, and a thumbnail-transmitting means for transmitting the thumbnail to the other data-processing apparatus.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Kurihara, as evidenced by Rangan et al.

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In an analogous art, Rangan et al. disclose a system for displaying video content to a user further providing a thumbnail view of scenes, which the user can select and go to (see column 9, lines 12-29).

Given the teaching of Rangan et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Kurihara by employing thumbnail previews, such as disclosed by Rangan et al., in order to allow a user to easily jump to a certain scene by viewing and selecting the thumbnail.

13. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kurihara as applied to claim 4 above, and further in view of Neel et al. (US 5,838,314).

Although the system disclosed by Kurihara shows substantial features of the claimed invention (discussed above), it fails to disclose that the data-processing apparatus needs to pay a fee to the other data-processing apparatus when the data is supplied to the other data-processing apparatus.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Kurihara, as evidenced by Neel et al.

In an analogous art, Neel et al. disclose a video service system that provides video signals for programming via satellite link or broadband transmission links further disclosing that a data-processing apparatus pays another data-processing apparatus when data is supplied to the other data-processing apparatus (see column 6, lines 7-25, where watching an advertisement instead of paying for the video programming is like getting a credit from the data-processing apparatus for watching the advertisement).

Given the teaching of Neel et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Kurihara by allowing a user to watch an advertisement instead of paying for a video, such as disclosed by Neel et al., in order to give a user an alternative to paying for movies.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Sheridan; Keith Holden	US 5760917 A
Chen; Shenchang Eric et al.	US 6307550 B1
O'Brien; Brett et al.	US 6351776 B1
Lin; Tony Hongtong	US 6369835 B1
O'Brien, Brett et al.	US 20020133561 A1
Landesmann; Mark	US 6735572 B2
Jackson; William M. et al.	US 6760128 B2

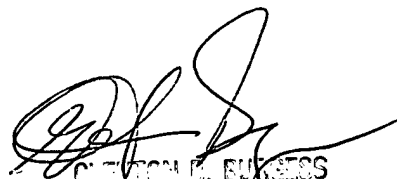
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J Chea whose telephone number is 571-272-3951. The examiner can normally be reached on M-F 7:00-4:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Philip J Chea  
Examiner  
Art Unit 2153

PJC 2/16/05



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